COURT NO.2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 2378 (S/S) of 2001

(Old No. 38099/2000)

Kunwar Singh son of Sri Prem Singh
Assistant Teacher (L.T. Grade)
Government Higher Secondary School
Malla, District-Uttar Kashi -------Petitioner

Versus

1. State of U.P. through Education Secretary (Madhyamik) U.P. Lucknow
2. Joint Director of Education, Garhwal Region Pauri, District Pauri Garhwal
3. District Inspector of Schools, Uttar Kashi

-------Respondents

Sri Narayan Singh Negi, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

Dated: 14.12.2007

Hon'ble P.C. Verma, J.

Heard learned counsel for the petitioner and learned Standing Counsel.

2. Learned counsel for the petitioner submitted that the services of the petitioner were terminated on 17.06.1999 and he was reappointed on 18.06.1999. The break in service has been in order to hung the petitioner to break in continuity of service. He has further submitted that the Allahabad High Court in similar matter had finally disposed of the Writ Petition No. 4526 of 2000 (Sushil Kumar Vs. State of U.P. and others) vide judgment and order dated 03.02.2002 directing that artificial break shall not effect the petitioner's service in any manner.

3. The facts of the present case are identical to those of Writ Petition No. 4526 of 2000, Sushil Kumar Vs. State of U.P. and others decided on 03.02.2000. Hence, this writ petition is disposed of finally with the direction that one day's break in service shall not be treated as break in the petitioner's continuity of service in any manner, and if the petitioner is working he shall be paid his salary in accordance with law.

(P.C. Verma, J.)

14.12.2007
RBS